



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.state.nv.us>

Wednesday, April 14, 2004
9:30 a.m.
Boardroom of the State of Nevada Contractors' Board
Meridian Gold Building
9670 Gateway Drive, First Floor #100
Reno, Nevada 89511

and, via videoconference:

State Contractors' Board Hearing Room
2310 Corporate Circle #200
Henderson, Nevada 89074

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission office.

Commission Members Present:

Rick Hsu, Esq., Acting Chairman; Caren Jenkins, Esq.;
Merle Berman; William Flangas, P.E.; George Keele, Esq.;
Elizabeth Gonzalez, Esq.; Mark Hutchison, Esq.

Commission Members Absent:

Jim Kosinski, Esq.

Commission on Ethics Staff Present:

Stacy M. Jennings, Executive Director; Nancy Lee Varnum, Commission Counsel;
Emily H. Nunez, Administrative Assistant

Parties Present:

Lew Brandon, Jr., Attorney at Law, Moran & Associates
Frances Deane, Clark County Recorder

Others Present:

Atle Erlingsson, Reporter, KLAS TV

Acting Chairman Hsu called the meeting to order at 9:31 a.m., Wednesday, April 14, 2004.

Agenda Item 1 – Request for Opinion 04-05

In open session, by unanimous vote (Commissioner Berman abstaining) the Commission approved the issuance of subpoenas pursuant to NRS 281.475(2), in the matter of the Request for Opinion concerning the conduct of Oscar B. Goodman, Mayor, City of Las Vegas, RFO No. 04-05.

Agenda Item 2 – 2005 Legislative bill package for the NCOE and budget issues

Open session to discuss the issues that the NCOE may bring to the 2005 Nevada Legislature for consideration. See Attachment A. Information item only.

Agenda Item 3 – Approve the Minutes of the November 13, 2003 Commission Meeting

By unanimous vote (Commissioner Jenkins abstaining), the Commission approved the minutes of the November 13, 2003 Commission meeting.

Agenda Item 4 – Election of a new chairman and vice chairman

By unanimous vote, Commissioner Rick Hsu was elected Chairman and Commissioner Caren Jenkins was elected Vice Chair.

Agenda Item 5 – Open Session for Public Comment

No public comment was made. Executive Director Jennings announced the date, time and location of the next Commission meeting.

Agenda Item 6 – Closed Session

Closed session pursuant to NRS 281.511, subsection (13), to receive and deliberate on information or evidence concerning the propriety of the conduct of a public officer pursuant to NRS 281.511 and NAC 281.109.

Agenda Item 7 – Request for Opinion 03-47

The open session to take action on proposed stipulation in the matter of the Request for Opinion regarding the conduct of Frances Deane, Recorder, Clark County, was, by mutual consent, withdrawn from the agenda.

Agenda Item 8 – Closed Session

The closed session pursuant to NAC 281.187 to consider information, deliberate the matter, and if appropriate, initiate an ethics complaint against a public officer or public employee on the Commission's own motion pursuant to NRS 281.511(2)(c) was withdrawn from the agenda.

Chairman Hsu adjourned the meeting at 12:20 p.m.

Minutes transcribed by:

Minutes approved May 12, 2004.

Emily H. Nunez
Administrative Assistant

Rick Hsu, Esq.
Chairman

Attachment A

Nevada Commission on Ethics 2005 Nevada Legislature – Issues to Consider:

<u>Statute</u>	<u>Issue</u>
281.236	Potential clarification for PUC and Gaming as related to subsection 3.
281.4365(1)(b)	Amend definition of public officer so that the definition of a public power, trust, or duty consists of three distinct criteria, rather than three conjunctive criteria. (formulating public policy, expending public money, OR enforcing laws & rules) Add language which specifies planning commission members are public officers.
281.462(1)	Clarify that the Executive Director, rather than the Chairman, appoints the panels.
281.4635(2)(b)	Delete provision for review of financial disclosure statements.
281.4645(2)	Clarify that the Executive Director, rather than the Commission, may rely upon the legal advice of Commission Counsel in conducting daily operations.
281.4645(3)	Delete. Provide that outside Counsel may be hired, if necessary. The Commission already has the ability to request assistance from the Attorney General.
281.465	Add a statute of limitations for ethics violations.
281.471(4)	Delete as unnecessary.
281.491	There is no penalty associated with not filing the annual disclosure of agency representation form. Filing deadline should be moved from January 10 to January 15, to be consistent with financial disclosure statements.
281.501(3)	Delete, as amendment to the definition of public officer will encompass planning commissions.
281.552	Add a filing deadline for the acknowledgment of receiving the code of ethical standards, in instances where the public officer is not required to file a financial disclosure statement.
281.553	Potentially include gifts in the section prohibiting honorariums, and place a monetary threshold on the dollar amount of gifts, if any, allowed per year. Do gifts have to be reported if the public officer or employee is not required to file a financial disclosure statement? Are trips gifts? Are meals gifts?
281.561(1)	Clarify that all candidates for public office must file the financial disclosure statement (remove “annual compensation of \$6,000 or more”).